

# Data protection guidelines

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## Data protection

Given that information is being held about individuals it is necessary to ensure that Data Protection laws are followed, and that the database is registered with the Information Commissioner. The basic principles are as follows:

### 1. Data Protection principles

- That data should be held fairly, lawfully and usually with consent
- Personal information kept on record should be adequate, relevant and not excessive
- The blanket retaining of data is likely to constitute a breach of the legislation
- There is a series of individual rights relating to personal data. These include the right of an individual to access personal data held about them on request. BIDs should ensure that they would be comfortable releasing all information held about individuals. In cases where a BID receives a request for personal data held about an individual, it is obliged to provide it
- If there is information on a document relating to third parties, this should be blacked out as appropriate
- It must be an individual rather than a company that makes the request. However, in practice, a company may ask an individual employee to make a request for information. In the case of sole traders, the individual and the company are effectively one and the same.

There are some exemptions to disclosure, which can be found at [www.dataprotection.gov.uk](http://www.dataprotection.gov.uk), but in many cases these are unlikely to be useful. Again, it is easier to bear in mind when recording information in the first place that this sort of data is likely to be visible.

### 2. Security

- Data has to be held securely. This applies to data held both electronically and physically. For example, log-ins should be held securely and filing cabinets with personnel files kept locked.
- The party responsible under the Data Protection Act for the security of the data in its possession is the Data Controller. This will be the BID. The data controller will enter into a number of agreements with organisations who have access to the data and will use the data according to what they are told by the data controller. Such organisations are known as Data Processors. A typical example of a data processor is an IT supplier. There will need to be a written contract between these two parties to say that the data processor is only using the data for purposes as authorised by the data controller and that the data processor has appropriate security measures in place to protect the data.

## Information Commissioner

The Information Commissioner is the UK regulator of the legislation and is in possession of a number of powers. A fee of £35 a year is required to register with the Information Commissioner. A form must be completed detailing what sort of activity the organisation undertakes. This is then stored on line as a public document and can be amended if necessary. It is a criminal offence not to notify the Information Commissioner that you hold and process data.

The Information Commissioner's self-assessment guide to exemptions to notifying the Commissioner can be accessed on line at <http://www.informationcommissioner.gov.uk/cms/DocumentUploads/notifications%20exemptions%20new%20email%200505.pdf>